

Drunk Driving Enforcement Fund N.J.A.C. 13:86

Grant Program Summary

Introduction

The Division of Highway Traffic Safety, (DHTS), is responsible for the administration of the Drunk Driving Enforcement Fund (DDEF). This fund was established by N.J.S.A.39:4-50.8. Municipalities, the Division of State Police, interstate law enforcement agencies and county law enforcement agencies may apply to DHTS to use DDEF monies for additional DWI enforcement patrols and any appropriate measures pertaining to other DWI enforcement activities authorized by the DDEF administrative regulations, N.J.A.C. 13:86-1.1 et seq. and approved Director. **These are dedicated funds and cannot be used for any other purpose.**

The following are the kinds of expenditures that are required or permitted under the DDEF Grant program regulations, N.J.A.C. 13:86-2.3, and which must be identified in the Drunk Driving Enforcement Fund Application.

A.1. N.J.A.C. 13:86-2.3(a) 1- **Primary Program/ Required Expenditures**

1. Overtime salaries for additional DWI patrols;
2. Checkpoints at peak violation periods.

*** The entity shall allocate and expend at least 50 percent of the funds for overtime paid to law enforcement personnel assigned to conduct additional law enforcement patrols or DWI checkpoint programs to increase the enforcement of N.J.S.A. 39:4-50.

A.2.- N.J.A.C. 13:86-2.3(a)2 **Optional Primary Funding**

The entity may allocate and expend the remaining funds in accordance with the needs of its drunk driving enforcement program on any of the following items and may reallocate and expend the funds among the items as it determines is necessary during the course of the SFY in which the grant is received for such items:

1. Salaries for overtime court appearances of law enforcement officers required in connection with the prosecution of a violation of N.J.S.A. 39:4-50;
2. Audio-visual equipment used to document and preserve evidence of enforcement of N.J.S.A. 39:4-50;
3. Breathtesting instruments and supplies approved by the Attorney General pursuant to N.J.A.C.13:51-3.1 et seq.;
4. Blood test kits; and
5. Safety equipment such as cones, flares, lighting, or reflectorized clothing needed to conduct DWI checkpoints for enforcement of N.J.S.A. 39-4-50.

A.3- N.J.A.C. 13:86-2.3(b) **Other Funding**

Prior approval from the Director of the DHTS is required before making any purchases in this category. Funds for this category may be used when the police department has developed a creative program(s) designed to decrease the incidence of drunk driving through additional enforcement related activities. Police are encouraged to work with local school and community leaders to develop new and innovative programs to curtail drunk driving. A detailed description is needed to properly explain what activity or purchase needs to be completed and how this will affect a reduction of DWI for a successful project. In order to be considered for this type of

program, the applicant must already have fulfilled the DWI overtime program requirement in A.1 above. Each request will be evaluated individually and assessed for its impact on reducing DWI. A partial list of items, which may be considered for approval for A.3 Other Funding, is as follows:

- DWI materials for distribution to schools and the general public
- Police vehicles
- Emergency lights (red)
- Laser/radar speed monitoring units
- Speed Monitor Display Signs
- Radio equipment
- Warning signs
- Computer hardware/software
- Any other program or equipment needed to assist in DWI enforcement or education.

Request for Funds Schedule

The amount of surcharge money that is available to each eligible agency in each State Fiscal Year (SFY) is calculated from the monies deposited into the Fund during the previous SFY (the State Fiscal Year runs July 1, through June 30) by Motor Vehicle Services (MVS). MVS will provide the Division of Highway Traffic Safety with a report indicating the amount of funds, including its share of bottle tax monies, available to each agency. By October 1 of each year, HTS will send an application to each eligible agency listing the total amount of the DDEF funds earned in the previous SFY regardless of the amount. Agencies will obtain DDEF approval for programs designed to increase the enforcement of the DWI law as prescribed by N.J.S.A. 39:4-50.8 and the DDEF regulations by completing the application and returning it to the Division of Highway Traffic Safety prior to April 1. Upon approval of the application, the Division will have a check for the full amount issued to the agency. If an agency fails to submit a timely application, the available DDEF monies will be added to the amount available to the agency for the next SFY in which the agency submits a timely application.

B.1. Budgeting Procedures

- a. **Account Setup** – Regulations (N.J.A.C. 13:86-2.6(c) require that a separate DDEF account be activated as opposed to using the general treasury account to deposit checks.
- b. **Municipal Budget** - A separate line item within the municipal budget should be created for the Drunk Driving Enforcement Fund. Agencies are urged to use the amount earned in the previous fiscal year as their projected budget. If an agency does not expend the full amount of the DDEF grant awarded in a SFY before the close of the SFY, the remaining monies must be carried forward into the next SFY. At least 50% of the unexpended amount must be expended in accordance with 2.3(a) 1 and the remainder in accordance with 2.3(A)2, discussed above.
- c. **Upon request** - The Division will notify eligible agencies of their DDE funding total by October 1 of each year. Departments may request information on programs and funding amounts at any time. This will be accomplished by calling the Division of Highway Traffic Safety DDEF Coordinator at (609) 633-99255, or writing the Division of Highway Traffic Safety, P.O. Box 048, Trenton, 08625-0048.

Completion of the Application - N.J.A.C. 13:86-2.2(c), (d)

The following sections of the application must be completed by the requesting agency:

Proposal

C. Anticipated Budget Explanation

1. Primary - **Mandatory** - The budget portion of the application **must** be completed indicating the number of officers, hours, shifts per week, etc. Hourly rate is maximum officer's rate. At least 50% of the total amount of the application must be accounted for here. The total budgeted amount should not exceed the total amount earned from the fund.
2. **Optional Primary** - (No prior DHTS approval required) Salary for officers overtime in DWI/DRE prosecution court appearances, funding for purchases of audio visual equipment, breath testing equipment, blood testing kits, and safety equipment.
3. **Other Programs** -
This section of the application is where new initiatives to combat DWI are explained in detail. The Attorney General must review this narrative before making a decision on whether or not to fund the new task. N.J.A.C. 18:36-2.4. These activities must enhance the ability of the agency to increase enforcement of 39:4-50. Funds remaining after the mandatory 50 percent for salary for DWI patrol or checkpoints are accounted for, may be used for these expenses.

All **Other** equipment must be itemized and approximate costs for each item identified in the budget section of the application.

D. Certification

1. Use of Funds

The submission of this application with appropriate signatures certifies that the DDEF funding shall be expended and administered in accordance with DDEF regulations and used by the applicant to increase DWI enforcement/education and **will be in addition to, and not in place of, existing patrols and other programs**. They further certify that the information contained in the application is true and accurate to the best of their knowledge.

E. Reporting Requirements - N.J.A.C. 13:86-2.5(b)

The police entity receiving DDE Funding must submit the report (included on the last page of the application) detailing expenditures of any DDE funding received in the prior SFY supported with appropriate documentation. It must identify expenditures for overtime salaries for law enforcement officers, equipment, and other items or activities authorized by N.J.A.C. 13:86-2.3. **The entity's Project Director and Financial Director** must sign the report certifying that all information contained in the report is true and accurate to the best of their knowledge.

Acceptable documentation for salary costs will include completion of *the DDEF Salary Detail Report*. This form is included in this packet. It must be kept current to the month. The *DDEF Salary Detail Report* will remain at the police department and be available for review by a Division auditor. When purchasing of equipment, however, copies of invoices must be submitted attached to the final report for the SFY described in the preceding paragraph.

Submission of Completed Application

All applications must include the signature of the Project Director, Authorizing official and Financial Director, and will be submitted to:

NJ Division of Highway Traffic Safety
DDEF Program
P.O. Box-048
Trenton, NJ 08625-0048

Review of Application

Upon receipt, the Division will review each application.

Approval - Upon approval, a letter of approval accompanied by a copy of the signature page of the application will be signed by the Director and forwarded to the applicant.

Denial - If the request is NOT approved, the applicant will be notified in writing of the reason(s) for denial from the Director.

Modification - If additional information is required to complete the request, the applicant will be contacted by letter or by telephone.

Payment - Upon approval, DHTS will notify the Department of the Treasury, which issues the check directly to the eligible agency.

Audit of Project - The applicant agrees to provide the Division of Highway Traffic Safety access to all records, reports, accounts, payrolls, documents, etc. necessary to verify that DDEF funds have been used according to N.J.A.C. 13:86-2.3. Failure to comply may result in denial of future applications.

The agency shall submit the completed application form to the Division of Highway Traffic Safety prior to 90 days before the end of the State Fiscal Year for which the activity is to happen. We recommend an application be submitted as soon as possible after it is received. An entity may submit the application as late as April 1 for the year being applied for may. Funds not applied for after April 1 will be carried forward into the Next State Fiscal Year.

Important Dates

1. October 1, of each SFY year. Each entity receiving DDE Funding will receive an application by this date with the amount of funding available to it in that SFY..
2. March 31, last day for submission of a DDEF application for that SFY.

Definitions

“DDEF” or “Fund” means Drunk Driving Enforcement Fund.

“Director” means the Director of the Office of Highway Traffic Safety

“DWI” means driving while under the influence of alcohol or other substance in violation of N.J.S.A. 39:4-50.

“Entity” means the Division of State Police, a county or interstate law enforcement agency or a municipal law enforcement agency.

“Eligible Entity” means an entity that is deemed to have contributed monies to the DDEF pursuant to N.J.S.A. 39-4-50.8 during the SFY from which grant monies are made available.

“Authorizing Official” means the chief executive officer (mayor, borough administrator, freeholder, director, county executive) who has signatory authority to accept the grant on behalf of an entity.

“Financial Director” means the chief financial officer of the entity responsible for financial administration of the grant.

“Project Director” means the person designated by the entity to have overall responsibility for administration of the grant.

“SFY” means the State Fiscal Year, a period which commences July 1 and runs through June 30.